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PATENT
Attorney Docket No.: 082368-007500US
Client Ref. No.: ONC-A0306P2-US

TOWNSEND and TOWNSEND and CREW LLP

By: [Signature]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Yusuke NAKAMURA *et al.*

Application No.: 10/573,297

Filed: September 24, 2004

For: METHOD OF DIAGNOSING
BREAST CANCER

Customer No.: 20350

Confirmation No. 6847

Examiner: Aeder, Sean E.

Art Unit: 1642

DECLARATION UNDER 37 CFR 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. The above-referenced application refers to genes involved in breast cancer, and in particular, to BRC No. 456 (T-LAK cell-originated protein kinase, or TOPK).
2. The above-referenced application discloses Genbank accession numbers AF237709 and NM_018492 as examples of BRC No. 456 (*see, e.g.,* Table 7, page 83). Page 10, line 20 explains that references cited in the specification are incorporated by reference.
3. The sequences added to the presently-submitted Substitute Sequence Listing reflect the sequences disclosed in Genbank accession numbers AF237709 and NM_018492 as of the filing date (*see Ex. A and B*). SEQ ID NOs: 48 and 49 are the polynucleotide and polypeptide sequences, respectively of AF237709. SEQ ID NOs: 50 and 51 are the polynucleotide and polypeptide sequences, respectively, of NM_018492.

4. I certify that the material added to the present application is the same as that incorporated by reference in the originally-filed specification.

Dated: 11 Nov 08

Carol Johns

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